IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.214 OF 2006
WITH
CIVIL APPLICATION NO.283 OF 2006
IN
LETTERS PATENT APPEAL NO.214 OF 2006

Franco-Indian Workers' Union ...Appellant.
Vs.
Franco-Indian Pharmaceuticals
Pvt. Ltd., ...Respondent.

Mr.M.D.Nagle, Advocate for the Appellant.

Mr.J.P.Cama with Mr.C.U.Singh i/b. Sanjay Udeshi & Co. for the Respondent.

CORAM : SMT.RANJANA DESAI AND
SMT.V.K.TAHILRAMANI,JJ.

DATED : OCTOBER 17, 2006.

P.C.:-

1. We have heard the learned counsel for the appellant and the learned counsel for the respondent.

2. Mr.Nagale, the learned counsel for the appellant says that the impugned order dated 18.4.2006 is perfectly legal and the learned Single Judge ought not to have interfered with it. Mr.Cama, the learned counsel for the respondent, on the other hand, submits that productivity link payment under the settlement dated 7.6.2002 can be made to the original petitioners if they give the required productivity. The learned counsel for the appellant

says that this contention was never raised by the respondent and it is being raised for the first time in this Court. Mr.Cama disputes this.

3. Since the impugned order 8th August, 2006 passed by the learned Single Judge directs only remand, we are not inclined to interfere with it. There is no infirmity in it. Hence the Letters Patent Appeal is dismissed.

4. We are informed that at present there is no Judge in the Tribunal who can take up the present matter. Mr.Cama says that in that event the parties can move to the President of the Industrial Tribunal for allotting the present reference to another Judge. If such prayer is made, the President shall pass appropriate orders thereon. The Tribunal shall dispose of the matter on merits within the timeframe laid down by the learned Single Judge.

5. Needless to say that, in view of the above, civil applications is also disposed of

[SMT.RANJANA DESAI,J.]

[SMT.V.K.TAHILRAMANI,J.]